Supreme Court, U.S.
FILED

03 285 AUG 13 2003

OFFICE OF THE CLERK

NO.

In The
Supreme Court Of The United States

October Term 2002

ARLIN EDWARD RANEY, Petitioner

vs

GATEWAY COMPUTER COMPANY Respondent

Counsel for respondent

Mr. David L. Parker, Esquire
HART & PARKER,P.C.
276 West Market St.
Harrisonburg, Virginia 22801
(540) 574-3366

On Petition for a Writ of Certiorari to the
SUPREME COURT OF VIRGINIA

PETITION FOR A WRIT OF CERTIORARI

Arlin Edward Raney. Pro-se
1020 Old Furnace Rd.
Harrisonburg, Va. 22802
(540) 434-4928

QUESTIONS PRESENTED

1. The decisions below (page 1 herein) is contrary to the Supreme Court of the United States NO. 99-1823, in all respects, of sellers interstate commerce, implied claim, a " NOTICE " regarding " ARBITRATION " placed in a box , in the event of interstate merchandize disagreement , purchaser " WAIVES " her/his right to " STATE " or " FEDERAL " **redress**, " CLAIMING ARBITRATION AGREEMENT " between parties historically defined by (F.A.A.) [Federal Arbitration Act] , Arbitration code **3f, USCS 9.4** , 9.2,9.3 or 9.d., " stating arbitration agreement must be in writing " has been met, the USA Supreme Court (EEOC/ Baker vs. Waffle House, Inc.) record No. 99-1823 decision the EEOC by passed, claiming, arbitration **must be in writing**, specifically stating, though Mr. Baker signed a "Arbitration agreement), **EEOC did not** , accordingly, EEOC did not waive right to enforce court litigation.

Questions presented continued

2. The state District Court, after granting petitioner Raney a $4,102.00 judgment (page a-2 herein), improperly reversed the courts original judgment, contrary to federal interstate commerce arbitration code, after improper " Gateway Computer Company " statutory District Court Appeal, petitioner Raney questions after exhaustive year of District Court litigation, **specifically requested** the District Court to dismiss the case, so petitioner could appeal the " **Arbitration Issue** " to the higher Virginia: Circuit Court (see a-3 order & a-9 written statement of facts) petitioner questions " Unfair Circuit Court trial " the court denying petitioners jury, **15** petitioner arbitration issue **evidence** exhibits, failing question a-9, right to equal justice under the law petitioner precisely followed **Virginia** Supreme Court State Code, 5A:8(C), 5A:8 (C) (1), both Gateway Counsel, & the Circuit Court " Violated " page a-30, neither, corrected or signed violating Virginia State Supreme Court code, the court Opinioned , (**no error**), page a-1, appealed herein.

STATEMENT PURSUANT TO RULE 29.6

Petitioner, citizen states has no corporate parents, and is a single unincorporated certiorari applicant

TABLE OF CONTENTS

/=1 0f 2 or more pages Page

Questions presented----------1/2----------i

Statement as to rule 29.6----------ii

Table of contents----------iii

Table of appendices----------iv-------&----------11

Table of Cited Authorities –(Constitution, statutes &

Regulations), beginning----------v

Opinions below----------1

Statement of jurisdiction----------2

Statutory provisions involved---**see authorities page iv**----------3

Cross Error----------3

Statement of the case--------see cross error----------7

Reason for granting writ---------- 9

Conclusion----------10

Appendix **Table of appendices**

Appendix abbreviation: Appdx..

Page one of more: / is as ½, 1/3, or 1/23

Page

Appdx. (A)--Supreme Ct. Of **Virginia ORDER APPEALED**-a-1

Appdx. (A)---Raney Judgment order for $4,102.00----------a-2

Appdx. (A)---Judgment order by the Circuit Court of the **Raney** District court, arbitration issue appeal ---------- a-3

Appdx. (A)---**USA Supreme Court, 99-1823 opinion**----------a-5

Appdx. (A)---Notice to District Court, appeal to Circuit Ct.------a-6

Appdx. (A)---Notice appeal to USA SUPREME COURT--------a-8

Appendix (B)--- statement of facts, Raney submitted to Gateway counsel, 8-27-2002, as submitted to Circuit Ct., 9-18-02.------- a-9

Appendix (C)-Request, Va. Dist. Ct.,No.010970, Adhere to EEOC/ Baker, arbitration must be in writing opinion----------a-31

Appendix (D)-Notice of Circuit Ct. appeal of Va. NoCL0212783, to " Ct. of appeals Va. " as lateral to the S. Ct. of Va.----------a-33

Appendix (E)-Raney, sworn affidavit, **Virginia S. Ct. Rules**, 5A:7, appeal, provided by 5A:8(c)----------a-35

TABLE OF CITED AUTHORITIES

Code of Virginia page

Title 8:01 " CIVIL REMEDIES AND PROCEDURE

CHAPTER 13- certain Incidents of Trial (create report)

8:01-377.1 Summary Judgment

8:01-378 Trial Judge not to direct verdicts

8:01-384.2 Waiver of discovery time limitations by parties

8:01-8.01-401 How adverse party may be examined, A. & B.

8.01-676.1(N) No person indigent required to post

security for appeal

17.1-606 proceeding with-out payment of fees or cost

S. Ct. Rules Va. 5A: Rules of the court of appeals

S. Ct. Rules Va. 5: Rules of the S. Ct. of Va.

S. Ct. Rules Va. 4:15 motion practice

Cited Authorities

INTEGRATION OF THE STATE BAR

SECTION 111. CANONS OF JUDICIAL CONDUCT

FOR THE STATE OF VIRGINIA

Pt. 6, Statute 111 Canon 2.A Judge shall avoid Impropriety

Canon 3.A Judge shall perform duties impartially & diligently

DR 7-105(B) Disclosing representations to the court

DR7-108 Contact with witnesses

Supreme Court decisions of the United States

Interstate Commerce, **Federal Arbitration Act**

SPECIFIC ARBITRATION LAW

RECORD 99-1823, DECIDED JANUARY 15, 2002

EEOC V. WAFFLEHOUSE, INC.

IN DISPUTES **EACH MUST SIGN** AGREEMENTS

TO BE SETTLED BY ARBITRATION

CITIED AUTHORITIES **page**

Arbitration case law: record No. 99-1823, argued 10-10-01, decided 1-15-02, see, EEOC v. Waffle House, Inc., affirming all parties MUST SIGN arbitration agreement. ..... i,

---

Part 11, Rule 5A:18, Statement of Facts, Objection to statement Issue on appeal, Record No. 1385-93-3 , was not bared from consideration, Draper v. Commonwealth,. Dec. 6, (1984), issue on appeal was properly noted.....1,4,5,8,a-26

Part 111, rule 5A:18, accommodate " ends of justice ", Corcom v. Commonwealth, record No. 1554-95-4, Ct. of appeals, 9-17 (1996) a-12,a-17,a-20

Record must be adhered to, Turner v. Commonwealth, 341 S.E. 2d 400, (1986), all requirements must be complied with, Anderson v. Commonwealth, 413 S.E. 2d 821 (2000).....a-9.....a-26

Failure of trial judge to sign statement of facts, does not thwart the Statement of facts, Clary v. Clary, 425 S.E. 2d 821 (2000)a-9&a-26

New Trial Required , when judge does not sign statement of facts Kyle v. Kyle, 526 S.E. 2d 292 (2000).....a-26

CITED AUTHORITIES **Page**

S. Ct. Rules 5:25 & 5A:18 are equivalent, Johnson v. Commonwealth,
record No.0259-91-1 (2000).....1,.a-9..a-20,.a-24/a25

Section 111, Cannons of judicial conduct State of Virginia
.....1,..a-9…a-20..a-24/a-25

Part 6, statute Cannon2..A, judge shall avoid impropriety,.....
.....1,..a-9..a-20..a-24/25
Cannon 3.A, judge shall perform duties IMPARTIALLY & diligently.....1,..a-9..a-20…a-24/a-25
DR 7-105(B), disclosing representation to the court.....1,…a-9…a-20..a-24/a-25
DR 7-108, contact witnesses.....1,…a-9…-20…a-24/a-25

OPINIONS BELOW

The order appealed to the USA Supreme Court is the Supreme Court of Virginia, **a-1**, **Collateral** orders are; Virginia Rockingham County, District Court, a-2 & **a-6,** Virginia Rockingham County Circuit Court, **a-3**, as contrary to the USA Supreme Court record **No.99-1823**, with the exception of a-2, which Raney **requested** the District Court to dismiss so to appeal the **Arbitration Issue** to the County Circuit Court, **a-3**, as Raney appealed to the Appeals Court of Virginia, **claiming** " **Unfair** Circuit Court Jury Trial[1] ", **see details** appendix **a-9** which appeal court lateral the **Arbitration Issue** to the Supreme Court of Virginia who's **order a-1** is certiorari requested herein a

---

1. The Arbitration Issue, appealed to the Appeals Court of Virginia, **record No. 2052-02-03** , appealed from the Rockingham District Court, **case No. 010970** appealed to the Rockingham County Circuit Court, **case No. CL02-12783**, was by the appeals court of Virginia, **sent up** to the Supreme Court of Virginia, that became Virginia: Supreme Court **record No. 022392**. this USA Supreme Court (if Certiorari Writ granted) , **Must obtain** the appeals ct. of Virginia **record 2052-02-03**, ostensive sent to the higher ct., that **contains** the " Statement of facts, in lieu of no transcript ", **see a-9**

herein, **that is a verbatim** " Statement of Facts the Rockingham County Circuit Court severely violated.

---

as contrary to both, USA Supreme Court record No. 99-1823 & USCA(FAA) Federal Arbitration Act, sections, 9.2, 9.3, 9.4

STATEMENT OF JURISDICTION

Petitioner Raney a USA Citizen

Invokes the USA S. Ct. 50 state opinion record No. 99-1823

Article 1, section 9, no preference shall be given to any regulation of commerce of one state over another.

Amend. XIII, sec. 1, Equal, 50 state protection of laws.

Virginia State Constitution

STATUTORY PROVISIONS INVOLVED

Primary

(FAA), sec. 9.2, 9.3, 9.4, & USA S. Ct. Record No.99-1823

Secondary " **FAIR TRIAL**" Case No. CL02-12783

Constitution Article III, Article I

Amendments I & IX

CROSS ERROR

Rule 5A:7, " Contents ", (b), disagreement on contents, SHALL be submitted to & decided by **the trial court**, which Rockingham County Circuit Trial Court " FAILD " to even respond., Rule 5A:(c), Appellant Raney precisely followed statute, typed place for signatures, corrections & " TIMELY " filed, first to Gateway counsel, Mr. Parker, 8-25-02, statute required " Statement Of Facts "-" In Lieu Of No Transcripts ", & according to statute code, (not before 15 days nor beyond 20 days file with the court, (giving Gateway counsel 15 days to respond before filing with Circuit court) Raney filed with the court trial clerk

With the circuit court trial clerk on date 9-11-02 for " **SPECIFIC DELIVERY** " to the trial court judge, See appellant brief, the Appeals Court of Virginia **record No. 2052-02-03** page 14, **a-29 herein,** Raney filed after 15 days on date 9-11-02, to Gateway counsel who improperly responded (actually never responding to Raney " Statement of Facts "), Gateway counsel filed a claimed (false claim) answer dated August **30th**, 2002 , requesting Raney file a more detail statement of facts (see page 2 of Gateway Appellee Brief) filed to the Va. appeal court, Properly claiming at present there has been NO AGREEMENT between the parties regarding a Statement of Facts, Gateway counsel never responded to Falsely claiming in the Gateway Appeals Court of Virginia Brief Gateway counsel filed October 7, 2002, that , Raney filed 8-7-02 to the circuit court Raney never filed to the circuit court until September 11, 2002, Gateway counsel omitting Gateway counsel filed to the Circuit Court8-25-02, that Gateway counsel **could not understand** the statement of facts Raney had not filed, Gateway omitting Gateway

counsel had requested a more detailed statement of facts Raney, filed with Gateway counsel 8-25-02 but did file the **Raney** comprehensive Statement Of Facts with the court on date 9-11-2002, Gateway counsel NEVER RESPONDED TO, the clerk court stamp filed on date 9-11-02, accordingly Gateway counsel brief to the appeals court, is false, **falsely** claiming Raney filed **Aug. 7, 02,**) see appendix page **a-29** herein Raney filed, the Raney " Statement of Facts " on date 9-11-02 (to **the circuit court**, the first "**Arbitration Issue** appeal court "; Raney requested dismissed from the county District Court) so to appeal the **Arbitration Issue,** where Gateway counsel only response to Raney statement of facts was October 7, 2002, Appellee brief to the Virginia Court of Appeals , of false created claims, that though false, did not attack one specific Raney appellant brief, Gateway counsel prayed to the Appeals Court for, nor did the trial court judge (John J. McGrath, jr.), **rule 5A:8(d)** " Objections " states the trial court judge " SHALL" with in (10 days) either over rule, make corrections,

include accurate additions, certify record is complete, " **SIGN** " the written statement of facts, appellant Raney left with the Circuit Court Clerk, on date 9-11-02, for specific delivery to the judge, with space for the judge to sign, including with-out more, see " Statement of facts ", Appendix (B) page **a-30, the judge "** FAILED TO SIGN, fail to comment, Rule 5A:8(c) (1) & (2), where a Prima Facia Compliance is created by Raney. Once Raney complied with the first two elements, appellant has established prima facia compliance[2]. Failure of the trial judge to sign does NOT THWART the statement of facts[3]. Further, when the judge does not sign the statement of facts , the statement of facts is established as fact beyond doubt where in the minimum " **A NEW TRIAL IS REQUIRED** "[4].

---

2. see Protor v. Town of Colonial Beach, 425 S. E. 2d 818 (1993).

3. see Clary v. Clary . 425 S. E. 2d 821, (2000)

4. see Kyle v. Kyle, 526 S.E. 2d 292, (2000)

STATEMENT OF THE CASE

By Raney petitioner signature below, this statement of facts is sworn under penalty of criminal perjury as the absolute unmitigated **truth**, Raney, firmly, affirmatively stating, Gateway counsel, as is Gateway Computer company, prevaricators, falsifiers, " LIARS " with intent to prevaricate, without regard to harm, (damage to others) submitting forged documents[5], bearing false witness testimony of **known refutable facts[6],** Raney outlined in Appendix **(B),** beginning page, **a-9** herein, Raney filed to the Appeals Court of Virginia, the appeals court, record **No. 2052-02-03,** the court claimed, the court sent up to the Virginia Supreme Court, record **No,022392**, Raney, restates in the minimum as follows; Raney, originally filed Gateway suit 12-15-00 in the General District Court of Rockingham County, Virginia and was by that court AWARDED A GATEWAY JUDGMENT [7] OF $4,102.00, on date January 30, 2001, that

Gateway was somehow granted a belated General District Court hearing based on Gateway false claim, Mr. Raney had agreed to a " GATEWAY ARBITRATION AGEEMENT[7] " in the event of dispute. Where Mr. Raney, after a year regarding the alleged arbitration agreement, requested the Gen. Dist. Court[7] to dismiss Mr. Raney's case **No.010970** , so Mr. Raney could **appeal** the arbitration issue as no agreement

---

5 Gateway forged a 11 page document placing item 9 from page 10 forward to page 1, the Circuit court case judge improperly permitted the jury as arbitration agreement evidence, Raney appealing the **Arbitration** Issue, case No.CL02-12783, while the case judge improperly "REJECTING" **15** Mr. Raney **evidence exhibits,** (USA S.Ct. record No. 99-1823), USCA (FAA) Federal Arbitration Act, section 9.2,9.3,9.4 , improperly as " IRRELEVANT " , regarding appeal of arbitration issue.

6Gateway, Court of Appeals , Appellee Brief is totally prevaricated, **not just implied,** page 1, foot note, Gateway received NO earlier Dist. Ct. judgment.page 1, The jury never heard or received Raney Arbitration evidence exhibits. **Gateway falsely** claims Mr. Raney did not petition the County circuit Ct. to rule on the arbitration issue Mr Raney filed with the circuit ct. for **specific delivery** to judge J.J. McGrath, jr.

7 Raney, received a $4,102.00, Gen. Dist. Ct. judgment Also Raney **Requested dismissal** of Gateway prevaricated Arbitration agreement claim which **was granted** so to appeal the prevaricated arbitration issue, both gateway counsel & the Appeal Circuit court denied arbitration was the relevent issue, ejecting Raney **arbitration evidence.**

REASON FOR GRANTING THE WRIT

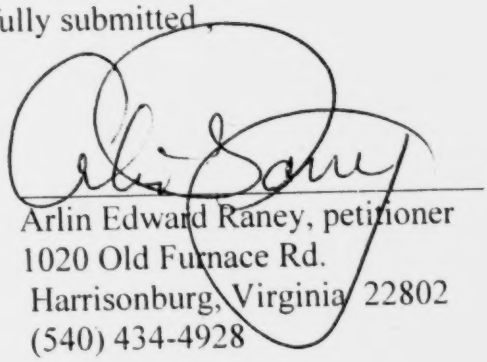
Prevarication of Gateway witnesses, Gateway counsel as documented, unfairness of the Circuit Court on appeal from the General District Court of Rockingham County Virginia as denying Arbitration was a relevant issue, the court denying petitioner Raney 15 relevant arbitration issue exhibits among other incidents, including the courts interviewing Mr. Raney's Bank witness, by false judge introduction to the jury, falsely claiming Mr. Wine the courts witness, Mr. Wine testifying, after trial judge **private interview**, he could not with the documents Available, determine if Mr. Raney **had paid Gateway**, Mr. Wine stating he would have to retrieve facts from the bank to do so.. The judge dismissing Mr. Wine, ostensive, to retrieve documents never returning, the court refusing Mr. Raney's requestto delay trial a day for Mr. Wine evidence of Mr. Raney payment for the Gateway Computer, Mr. Raney absolutely paid for!.

CONCLUSION

For the foregoing reasons, the petition for a writ of Certioari Should be granted.

Respectfully submitted,

Date 8-14-2003



Arlin Edward Raney, petitioner
1020 Old Furnace Rd.
Harrisonburg, Virginia 22802
(540) 434-4928

Appendix **Table of appendices**

Appendix abbreviation: Appdx.. Page

Page one of more: / is as ½, 1/3, or 1/23

Appdx. (A)--Supreme Ct. Of **Virginia ORDER APPEALED**-a-1

Appdx. (A)---Raney Judgment order for $4,102.00----------a-2

Appdx. (A)---Judgment order by the Circuit Court of the **Raney** District court, arbitration issue appeal ---------- a-3

Appdx. (A)---**USA Supreme Court, 99-1823 opinion**----------a-5

Appdx. (A)---Notice to District Court, appeal to Circuit Ct.------a-6

Appdx. (A)---Notice appeal to USA SUPREME COURT--------a-8

Appendix (B)--- statement of facts, Raney submitted to Gateway counsel, 8-27-2002, as submitted to Circuit Ct., 9-18-02.------- a-9

Appendix (C)-Request, Va. Dist. Ct.,No.010970, Adhere to EEOC/ Baker, arbitration must be in writing opinion----------a-31

Appendix (D)-Notice of Circuit Ct. appeal of Va. NoCL0212783, to " Ct. of appeals Va. " as lateral to the S. Ct. of Va.----------a-33

Appendix (E)-Raney, sworn affidavit, **Virginia S. Ct. Rules**, 5A:7, appeal, provided by 5A:8(c)----------a-35